

CLARK HILL

Charles R. Spies
T 202.572.8663
F 202.572.8683
Email: cspies@clarkhill.com

Clark Hill PLC
1001 Pennsylvania Avenue NW
Suite 1300 South
Washington, DC 20004
T 202.772.0909
F 202.772.0919
clarkhill.com

January 27, 2017

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463
VIA FACSIMILE: (202) 219-3923

Re: MUR 7114 – Response to Complaint from Tom Casperson for State Senate

Dear Mr. Jordan:

We are writing this letter on behalf of our clients, Tom Casperson for State Senate (the "State Committee"), and Judi Skradski, in her official capacity as Treasurer, in response to the Complaint filed by End Citizens United ("Complainant") dated July 29, 2016, and designated MUR 7114. We note at the outset that the Complainant did not name the State Committee as a Respondent, and Respondents were unaware that the Office of General Counsel had apparently determined on its own volition that the State Committee should also be a named Respondent. The Respondents who were named by the Complainant, Tom Casperson and Casperson for Congress, have previously filed a Response on September 15, 2016, and we request that the Commission consider the substance of that response to be on behalf of the State Committee, as well.

The expenditures made by the State Committee were permissible under the Michigan Campaign Finance Act (the "MCFA"), and were properly reported to the Michigan Department of State. Each of the challenged expenditures qualified as "incidental expenses" under the MCFA. An "incidental expense" is broadly defined under the MCFA as an "expenditure that is an ordinary and necessary expense, paid or incurred in carrying out the business of an elective office."¹ Further, under Michigan law, an officeholder may use his or her campaign committee to pay for such "incidental expenses."²

¹ MCL § 169.209.

² See Section 21a of MCFA, which states "a candidate committee of a candidate who is elected or appointed to an elective office may make an expenditure for an incidental expense for the elective office to which that candidate was

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The MCFA does not limit an "incidental expense" to an officeholder's electoral district. And as stated in our previous Response, the specific expenditures challenged in the Complaint were incurred prior to Casperson announcing his candidacy for Congress. Thus, each of the challenged expenditures was appropriately paid by the State Committee.

The Complaint also alleges that the State Committee was raising funds after Casperson became a federal candidate and that those funds were used to "advance his Congressional election."³ Specifically, the Complaint cites to a list of contributions totaling \$10,000 that were received by the State Committee in November and December 2015 after Casperson became a federal candidate.⁴ As stated above, a state officeholder is permitted to make expenditures from his or her State candidate committee for "incidental expenses" incurred in carrying out his or her official duties. As such, the State Committee continued to receive contributions from Michigan registered PACs during this period. However, Casperson did not *solicit* contributions on behalf of the State Committee after becoming a federal candidate. The contributions listed in the Complaint Exhibit C were simply either unsolicited contributions made to the campaign, which was a fairly regular occurrence, or given in response to solicitations made *before* Casperson became a federal candidate. Moreover, under Michigan law, corporate contributions are prohibited. The contributions received by the State Committee during this time period were from PACs registered with the Michigan Secretary of State and were in amounts and from sources permitted under federal law. As such, the receipt of these contributions by the State Committee was permissible.

This Complaint in this matter was politically motivated and based purely on worst-case speculation. The Complainant provided no evidence to support the allegations, and on that basis alone the Complaint should be immediately dismissed.

Thank you for your consideration of this matter, and please do not hesitate to contact me directly at (202) 572-8663 with any questions.

Respectfully submitted,



Charles R. Spies
Elizabeth Beacham White

Counsel to Tom Casperson for State Senate

elected or appointed. Except as otherwise specifically provided in this act, an expenditure for an incidental expense by a candidate committee under this section is an expenditure under this Act."

³ See Compl. at 2.

⁴ See Compl. at Exhibit C.

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Charles R. Spies
T 202.572.8663
F 202.572.8683
Email: csplies@clarkhill.com

Clark Hill PLC
601 Pennsylvania Avenue, NW
North Building, Suite 1000
Washington, DC 20004
T 202.772.0909
F 202.772.0919
clarkhill.com

VIA FACSIMILE (202) 219-3923

**BEFORE THE FEDERAL ELECTION COMMISSION
STATEMENT OF DESIGNATION OF COUNSEL**

MUR # 7114

Name of Counsel: Charles R. Spies
Elizabeth Beacham White
Clark Hill PLC
601 Pennsylvania Avenue, NW
North Building, Suite 1000
Washington, DC 20004

Telephone: (202) 572-8663
Fax: (202) 572-8683

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1/30/17
Date


Respondent/Client Signature

Treasurer
Title

Respondent/Client: Judi Skradski, Treasurer
Tom Casperson for State Senate
PO Box 499
Escanaba, MI 49829

Telephone - Home:
Business:

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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